

19-5657

No. 19 - _____

IN THE
Supreme Court of the United States

W.R. III, A MINOR, BY AND THROUGH HIS
PARENTS AND NEXT FRIENDS, HEATHER
D. ROGERO and WALTER A. ROGERO II,

Petitioner-Appellant,

vs.

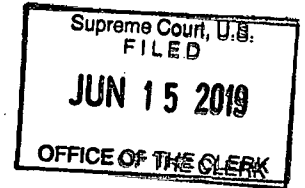
ALEX M. AZAR II,
SECRETARY OF HEALTH & HUMAN
SERVICES

Respondent- Appellee.

ORIGINAL

Supreme Court
of the United States

No. 19 _____



MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Pursuant to Rule 39 of the Supreme Court, in compliance with 28 U.S. Code § 1746, Petitioners respectfully request leave to file the attached Petition for a Writ of Certiorari without prepayment of costs and to proceed in *forma pauperis*. Petitioners have previously been granted leave to proceed in forma pauperis in The U.S: Court of Federal Court of Claims and U.S. Court of Appeals for the Federal Circuit. Petitioner's affidavit in support of this motion is attached hereto.

Date: June 14, 2019

Respectfully Submitted for W.R.,

Rev. Heather D. Rogero, MA
Counsel of Record

Dr. Rev. Walter A. Rogero II
990 Northpointe Drive
Mountain Home, AR 72653
(918) 527-6125
Email: WRLegal@outlook.com

**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

Heather Walter Rogers for W.R. am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Self-employment	\$ <u>0</u>	\$ <u>avg. 2568</u>	\$ <u>0</u>	\$ <u>@ 7000 consulting</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Interest and dividends	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Gifts	\$ <u>0</u>	\$ <u>291</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Child Support	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify): <u>n/a</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Total monthly income:	\$ <u>0</u>	\$ <u>2859</u>	\$ <u>0</u>	\$ <u>@ 7,000</u> <i>JBW</i>

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
Case Manager for W.R.H. Therapies, Educational + Legal		n/a disabled son	\$ 0
			\$
			\$

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
Self-Employed Science Faith Consulting	AR, MO, CA, MA	9-2018 to present	\$ varies avg. 2568.
First Christian Church	Mountain Home, AR	10-2016 to 7-2018	\$ 7,000 (3000 salary, 3000 hsg, 1000 retirement)
AAAS Oases	Washington, DC	2016 -	\$ 5600

4. How much cash do you and your spouse have? \$ less than 200
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
Checking	\$ 77.00	\$
Savings	\$ 100.00	\$ n/a combined accounts

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home
Value @ 240

Other real estate
Value n/a

Motor Vehicle #1
Year, make & model 2012 Honda Odyssey
Value @ 8K

Motor Vehicle #2
Year, make & model 2009 Toyota
Value @ 3K

Other assets
Description n/a
Value

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<i>not applicable</i>	\$ <u>0</u>	\$ <u>0</u>
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name	Relationship	Age
<i>A.R.</i>	<i>daughter</i>	<i>17</i>
<i>M.B. R.</i>	<i>daughter</i>	<i>16</i>
<i>N.R. III</i>	<i>son</i>	<i>10</i>

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	<i>(combined)</i>	
Are real estate taxes included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	\$ <u>1342</u>	\$ <u>same</u>
Is property insurance included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>375</u>	\$ <u>same</u>
Home maintenance (repairs and upkeep)	\$ <u>75</u>	\$ <u>same</u>
Food	\$ <u>900</u>	\$ <u>same</u>
Clothing	\$ <u>75</u>	\$ <u>same</u>
Laundry and dry-cleaning	\$ <u>40</u>	\$ <u>same</u>
Medical and dental expenses	\$ <u>100</u>	\$ <u>same</u>

	You	<i>combined</i> Your spouse
Transportation (not including motor vehicle payments)	\$ <u>4000</u>	\$ <u>same</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>100.00</u>	\$ <u>same</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ <u>same</u>
Life	\$ <u>20.00</u>	\$ <u>40</u>
Health	\$ <u>0</u>	\$ <u>0</u>
Motor Vehicle	\$ <u>345.00</u>	\$ <u>same</u>
Other: <u>tithe & ministry dues</u>	\$ <u>@ 285</u>	\$ <u>same</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>Self-Employment from consulting</u>	\$ <u>@ 343</u>	\$ <u>same</u>
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ <u>0</u>
Credit card(s) - <u>installment, not total</u>	\$ <u>@ 200</u>	\$ <u>same</u>
Department store(s) - <u>installment</u>	\$ <u>@ 150</u>	\$ <u>same</u>
Other: <u>loans during this transition employment time</u>	\$ <u>@ 100</u>	\$ <u>same</u>
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ <u>0</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement) <u>Shopify, NetSite, Adobe, fees</u>	\$ <u>@ 25.00</u>	\$ <u>same</u>
Other (specify): <u>Children's school education & therapy needs</u>	\$ <u>@ 175.00</u>	\$ _____
Total monthly expenses: <u>combined family</u>	\$ <u>1740.00</u>	\$ <u>combined family</u>

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes No If yes, describe on an attached sheet. *See attached.*

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? Yes No

If yes, how much? _____

If yes, state the attorney's name, address, and telephone number:

*I have written & typed the Petition.
Amicus Curiae briefs are still pending.*

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes No

If yes, how much? *copy & mailing fees est. 300.*

If yes, state the person's name, address, and telephone number:

*U.P.S. Store
1310 Eastside Court Center
Mountain Home, AR 72653 870.424.6245*

12. Provide any other information that will help explain why you cannot pay the costs of this case.

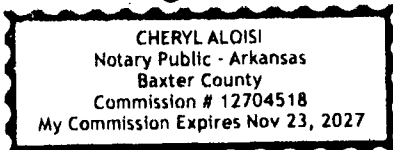
Since June 2018, we have been in liminal space between permanent employment. After moving from NC area in 2016, we lost all access to attendant & respite care for WR on a 10 year wait list, limiting to 1 income household right now. We are waiting to hear of a grant funded university position pre-selected, dependent upon funding.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 12, 2019

Cheryl Aloisi

[Signature]
(Signature)



9. Attached Response:

We are anticipating a likely significant change within the next 12 months. Walter has been chosen as the Executive Director of a science and faith organization within a research university. Since this is a grant-funded position, and the granting foundation has not yet announced the grant cycle awards to date, we cannot with certainty know, but hopefully anticipate more permanent employment and subsequent move, within the year, also prayerfully with more services for W.R. like those relinquished when moving from Northern Virginia.

A related factor to this form is we currently have one income as a family. Heather's role has been managing W.R. III's required therapy, medical, educational, and litigation needs. When moving away from Northern Virginia in 2016, W.R.'s qualified 40 hours of warranted attendant and respite care services had to be released; due to the fact there is no continuous coverage between states for disabled children; requiring reapplication when moving, currently on a 10 year wait list. Rehabilitative therapies and attendant services are provided for under NVICP for preponderance found of required factors by the special master or Court, thus the necessity of requesting this Court to respectfully consider the contentions and the public Federal Court verifiable adjudicative findings of his claim that have already determined him eligible for services since 2017 but yet to receive accurate procedural due process, he was denied on the basis of a secondary sequela of his injury, and irrelevant disability to this case, and not an injury.